IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 321 OF 2006

Shri Ajay Jagannath Pawar ....Applicant.

V/s

State of Maharashtra ....Respondent.

Mr. Yogesh D. Pawar for the applicant.
Mr. Y.S. Shinde, APP for the State.
Ms. Rajeshree M. Gadhavi, APP for the State.
Mr. Ravi Kadam, Advocate General for the State.
Mr. S.R. Borulkar, Chief Public Prosecutor for the State.

AND

CRIMINAL APPLICATION NO.343 OF 2006

Balu Dasu Nagtilak ....Applicant.

V/s

State of Maharashtra ....Respondent.

Mr. A.S. Gupte for the applicant.
Mr. Rajesh More, APP for the State.

AND

CRIMINAL APPLICATION NO. 360 OF 2006

Lala Tayappa Pawar & Anr. ....Applicants.

V/s

State of Maharashtra ....Respondent.

Mr. B.R. Patil with U.R. Agandsurve for the applicants.
Ms. M.M. Deshmukh, APP for the State.

AND

CRIMINAL APPLICATION NO.416 OF 2006

Shri Balaso Gangaram Surle ....Applicant.

V/s

State of Maharashtra ....Respondent.

Mr. Dilip Bodake for the applicant.
Ms. M.M. Deshmukh, APP for the State.

AND

CRIMINAL APPLICATION NO. 223 OF 2006

Shri Malhari Machhindra Khilare ....Applicant.

V/s

State of Maharashtra ....Respondent.

Mr. K.B. Sonwalkar for the applicant.
Ms. M.M. Deshmukh, APP for the State.

AND

CRIMINAL APPLICATION NO. 307 OF 2006

Jamil Ahmed Mobin Shaha .....Applicant.

V/s

State of Maharashtra .....Respondent.

Mr. B.M. Shaikh for the applicant.
Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 5th May, 2006

P.C.:

1. This entire group of applications disclose sordid state of affairs in respect of the offences which are committed against the married women. Since this Court noticed that a large number of applications were filed, seeking bail in cases where offences under section 498A, 306, 304B were registered against the applicants, a notice was issued to the learned Advocate General Shri Ravi Kadam and to the Chief Public Prosecutor Shri S.R. Borulkar in order to find

out whether the State could evolve a mechanism where such women who are in distress can safely approach the particularly authority which could give timely help to these women so that on account of such timely intervention by the social agencies which are working under the auspices of the State Government, such crimes can be averted, avoided or prevented.

2. The matter was heard from time to time in order to enable the Government to evolve such mechanism. The notices were also issued to MTNL and BSNL and Department of Telecommunication (DOT). The Secretary of Woman & Child Welfare Commissionerate also filed an affidavit. Initially, it was pointed out that there was only one Centre which was operating under the guidelines which were fixed by the Government. However, adequate infrastructure was not available. Thereafter, BSNL & MTNL filed their affidavits and expressed their willingness to offer free helpline to women in distress subject to approval from the DOT. The DOT also came forward and filed an affidavit in which they have stated that subject to certain formalities being complied with, such a free helpline would be started and that such toll free helpline was already earmarked for women in distress.

3. Today, Shri Borulkar, the learned Chief Public Prosecutor has submitted a Scheme which has been formulated by the Government after taking various instructions from various NGOs and concerned Secretaries of Women & Child Welfare Department, Rural Department, Urban Department and other Departments. I have perused the said Scheme. It is open for the Government to adopt the said Scheme and consider the financial implications and make such efforts to provide financial assistance to these Organizations after the sanction is obtained in accordance with law, so that timely help can be given to these women who, after their marriage, unfortunately, cannot return to their parental home and are not properly looked after by the in-laws and, as a result, very often, they take extreme steps.

4. I must express my deep sense of gratitude to the assistance which was given to me by the learned Advocate General Shri Ravi Kadam and the learned Chief Public Prosecutor Shri S.R. Borulkar in ensuring that a proper machinery is created to extend help to the women in distress. I hope and trust that, in future, the Government shall continue to take further steps and monitor all these agencies which are going to be created as per the Scheme which is now submitted.

5. In view of this, all these applications are disposed of since the applications on merits are already heard and decided and the orders have been passed in respect of the bail applications filed by the applicants.

6. The Scheme which is submitted may be treated as part of this order and the Government can always make suitable changes in the Scheme as per the exigency of the situation. It is expected that the Government should take suitable steps in this direction preferably within a period of six months.

V.M. KANADE, J.